

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

FRANZ SCHLEICHER, et al.,)	
Plaintiffs,)	
)	
vs.)	1:02-cv-1332-TWP-TAB
)	
GARY C. WENDT, WILLIAM J. SHEA,)	
CHARLES H. CHOKEL, and JAMES S.)	
ADAMS,)	
Defendants.)	

ORDER ON DEFENDANTS' MOTION TO STAY EXPERT DISCOVERY DEADLINE

Defendants seek an expedited ruling on their motion to stay the August 27, 2010, expert discovery deadline pending resolution of their not-yet-filed motion to exclude Plaintiffs' expert reports. [Docket No. 403.] Defendants contend that Plaintiffs' expert reports, timely served June 28, 2010, contain new fraud allegations not included in the complaint, and that responding to these new issues by the August 27 deadline would require a "substantial investment of time and money." Plaintiffs respond that the reports connect to the complaint, and that the Case Management Plan designates Defendants' summary judgment response as the appropriate place for any arguments to exclude reports. [Docket No. 223 at 3.]

The Plaintiffs are correct that this Court prefers that disputes regarding the admissibility of evidence be addressed in the summary judgment briefs. *See* S.D. Ind. L.R. 56.1(f). Moreover, this Court is generally reluctant to stay litigation, preferring instead to keep cases moving. Defendants have not made a sufficient showing to overcome this general rule. And the parties to this case—which has grown to over four hundred docket entries—have shown their willingness to expend great resources throughout this litigation, further weakening Defendants'

arguments concerning time and expense. While perhaps a close call, the balance tips in favor of allowing expert discovery to proceed. Defendants' motion to stay the expert discovery deadline [Docket No. 403] is denied.

Dated: 07/30/2010

7.30

Tim A. Baker
United States Magistrate Judge
Southern District of Indiana

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